

REMARKS

Reconsideration of this application, the objections of claims 1, 2 and 21, and the rejection of claims 1-4 and 6-21 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated May 14, 2004, and believe the application is now in condition for allowance. In the alternative, the application is in better form for appeal. The claims have been amended to more clearly describe the present invention.

Claims 1, 2 and 21 stand objected to due to minor informalities. Claim 1 stands objected to because it appears that the limitations “first and second enclosure portions” and “members” refer to the same components. Claim 1 has been amended to delete any redundancy. Claim 2 has been objected to because the Examiner contends that it is unclear which enclosure is being referred to by “said enclosure.” Applicants have amended claim 2 by now reciting --enclosure portion--. Finally, claim 21, lines 10-11 have been objected to because it appears that the limitation “said enclosure is configured to taper on side portions towards said cord tethering portion to conform to the overall shape of the plug” should be deleted because lines 15-16 recite the same language. To remedy this problem, Applicants have deleted lines 10-11 of claim 21. Based on the above-mentioned amendments to the claims, Applicants submit that the objections to claims 1, 2 and 21 are traversed.

Claims 15, 16 and 21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner submits that the language “a squeeze force sufficient to prevent children from disengaging said male connection from said female formation” is indefinite because the amount of force required cannot be defined. In response to this rejection, Applicants have canceled claims 15 and 16, and have removed the alleged indefinite language from claim 21. Therefore, in view of these amendments to the claims, Applicants contend that the §112 rejections of claims 15, 16 and 21 are respectfully traversed.

Claims 1-4, 6-16 and 18-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sweatman et al. (U.S. 5,755,588). Sweatman disclose an enclosure for retaining an electrical connection between a receptacle from a first electrical cord and a plug from a second electrical cord. The enclosure 5 is comprised of upper shell 10 and lower shell 15, which are connected by a living hinge 35 (See col. 6, ll. 10-17; Figs. 1-3). A plurality of stiff or deformable protrusions, designated as 60 and 70, respectively, are located within the enclosure 5 and frictionally engage cord 25 to hinder movement of the cord 25 with respect to the enclosure 5. (See col. 6, ll. 23-38; Fig. 2).

In contrast, claim 1 has been amended to recite, among other things, an external cord tethering portion for detachably engaging the cord and configured for encircling the cord. As amended, claim 1 is distinguished from Sweatman because the cord tethering portion in the present invention is located outside of the

enclosure portion of the plug protector. Furthermore, the cord tethering portion encircles the cord, whereas in Sweatman, the stiff or deformable protrusions 60 and 70 merely engage the cord 25. In addition, claim 9 has also been amended to depend from claim 1 and to recite, among other things, that the cord tethering portion is configured to move slidably along the cord independent of the members being in the open or closed positions, thereby further distinguishing the present invention from Sweatman.

Claim 18 has been amended to recite, among other things, an enclosure portion where the enclosure portion is configured to taper on the side portions towards the cord tethering portion to substantially conform to the overall shape of the plug thereby allowing the enclosure to contain only the plug of a plug-socket connection. Support for this claim language is found on page 1, lines 12-13 and page 2, lines 1-2 where the distinction between plugs and sockets/outlets is made. As amended, claim 18 is distinguishable from the enclosure disclosed in Sweatman because the enclosure in Sweatman is configured to enclose both the plug and its receptacle (or socket). A main purpose of the enclosure in Sweatman is to retain the connection between the plug and its receptacle (see col. 6, ll. 60-67; see also Fig. 7). However, in the present invention, the enclosure serves to prevent the plug from being connected to a socket unless the members of the enclosure are in the open position. Claim 21 has also been amended to include this limitation.

As amended, claim 21 also recites, among other things, a clasp located at the tethering portion for detachably encircling the cord, thereby allowing the tethering portion to move slidably along the cord when the clasp is in a locked position. Amended claim 21 is distinguishable from Sweatman because the stiff and deformable protrusions 60 and 70 engage the cord 25 to prevent movement of the cord 25 with respect to the enclosure 5, regardless of whether the enclosure is in the open or closed position (See col. 6, ll. 25-44). However, in Sweatman, the enclosure can readily become unintentionally detached from the cord when in the open position through unexpected impact. Unlike Sweatman, the cord tethering portion of the present invention encircles the cord, allowing the enclosure to move securely and slidably along the cord when the clasp is in a locked position and the enclosure is in the open position. Applicants contend that this configuration prevents loss of the plug protector when the protector is not in use, because a connection is always maintained between the cord and the protector. Sweatman neither discloses nor suggests such a configuration.

Therefore, based on the above-mentioned amendments and remarks, Applicants contend that the §102(b) rejections of claims 1, 18 and 21 based on Sweatman should be reversed, and submit that the claims, as amended, are in condition for allowance. Applicants further contend that in light of these amendments, claims 2-4, 6-16 and 19-20, which depend either directly or indirectly upon claim 1 or 18, are also in condition for allowance.

Claims 1-4 and 6-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Francis (U.S. 5,342,212). Francis discloses an electrical plug protective apparatus including a funnel-shaped protective member 12 for an electrical plug 14. The funnel-shaped member includes a cone-shaped portion 16 and a tubular-shaped portion 18 connected to the cone-shaped portion 16. The cone-shaped portion 16 protects the electrical plug 14, and the tubular-shaped portion 18 protects a portion of the cord or conductor 20 (See col. 6, l. 68 – col. 7, ll.1-7; see also Fig. 1). The funnel-shaped protective member 12 includes a separation assembly 24 which extends longitudinally along both the cone-shaped portion 16 and the tubular portion 18. A hinge assembly 40 is located on the funnel-shaped member 12 opposite the separation assembly 24, and also extends longitudinally along both the cone-shaped portion 16 and the tubular portion 18 (See col. 7, ll. 7-23; Figs. 1, 4 and 8). The funnel shaped protective member 12 can also include a door 30 that is attached to the cone-shaped portion 16 and which provides apertures 32 for receiving prongs 34 of the electrical plug 14 (See col. 7, ll. 32-36; Fig. 4).

In contrast, as amended, claims 1, 18 and 21 now recite, among other things, a plug protector having an enclosure portion with members moveable between an open position and a closed position, and when in the closed position, the enclosure portion completely encloses the plug for preventing unwanted engagement of the plug with a socket. As amended, claims 1, 18 and 21 are distinguishable from the plug protector in Francis because Francis does not

disclose an enclosure portion that completely encloses the plug. On the contrary, the protector in Francis discloses a door 30 which provides apertures 32 for receiving the prongs 34 of the electrical plug (See Fig. 1 of Francis).

Claim 21 has also been amended to recite, among other things, a plug protector including an external cord tethering portion, and a clasp located at the tethering portion for detachably encircling the cord, allowing the enclosure portion to move slideably along the cord when the clasp is in a locked position and the enclosure is in an open position. As amended, claim 21 is distinguishable from the protector in Francis, because the tubular portion 18 of the protector is part of the protective member 12 and does not act independently of the cone-shaped portion 16 of the protective member. A continuous hinge assembly 40 runs along the entire protective member 12, and therefore, when the protective member 12 is opened, the cord will no longer be attached to the tubular portion 18. This is unlike the present invention, which allows the plug protector enclosure portion to open and close independent of the cord tether.

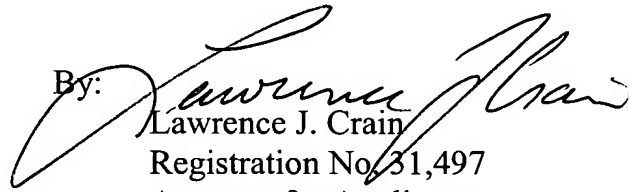
Applicants submit that as amended, claims 1, 18 and 21 are distinguishable from the disclosure in Francis. Therefore, Applicants contend that the §102(b) rejections of claims 1-4 and 6-21 are respectfully traversed.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. In the alternative, the application is considered to be in better form for appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By:


Lawrence J. Crain
Registration No. 31,497
Attorney for Applicants

August 16, 2004

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
P:\DOCS\2206\68155\639817.DOC